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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,560	02/08/2002	Matthew C. Burch	1528.035US1	9891
21186	7590	04/04/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			ORTIZ, BELIX M	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,560

Applicant(s)

BURCH, MATTHEW C.

Examiner

Belix M. Ortiz

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2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/19/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/9/05, 11/19/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications files on 19-November-2004, the specification of the disclosure. Therefore, claims 1-45 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Ran (U.S. Patent 6,317,686).

As to claim 1, Ran teaches a method, comprising:

specifying a desired first endpoint and a desired second endpoint for a desired track log (see abstract; figures 7A, 7B, 8, character 84 and 814; column 1, lines 31-41; column 1, lines 66-67; column 2, lines 1-9; and column 22, lines 4-15);

assigning an actual first endpoint for the track log based on the desired first endpoint and a set of track log points, and an actual second endpoint for the track log based on the desired second endpoint and the set of track log points (see column 22, lines 33-36); and

identifying the desired track log using the actual first endpoint, the actual second endpoint, and at least one track log point (see column 22, lines 22-36),

wherein at least one of the desired first endpoint and the desired second endpoint is capable of being specified by specifying a location (see column 17, lines 34-47).

As to claim 2, Ran teaches the method further comprising validating the desired first endpoint and the desired second endpoint (see column 19, lines 15-18).

As to claim 3, Ran teaches The method further comprising filtering track log points for the desired track log extending between the actual first endpoint and the actual second endpoint (see column 1, lines 36-41).

As to claim 4, Ran teaches wherein assigning an actual first endpoint for the track log based on the desired first endpoint and a set of track log points, and an actual second endpoint for the track log based on the desired second endpoint

and the set of track log points (see figure 8, characters 84 and 813; figure 10A, characters 101 and 102; and figure 10B, characters 103 and 104) includes:

searching for a nearest track log point that is located closest to at least one of the desired first endpoint and the desired second endpoint that is capable of being specified by specifying a location (see figure 11, characters 118 and 1114);

identifying a time associated with the nearest track log point (see column 1, lines 52-58); and

finding an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 5, Ran teaches The method further comprising selecting a method for specifying a location for at least one of the desired first endpoint and the desired second endpoint, wherein the selected method for specifying the location is capable of being used to specify the location for at least one of the desired first end point and the desired second endpoint (see column 22, lines 4-21 and column 22, lines 60-65).

As to claim 6, Ran teaches wherein selecting a method for specifying a location includes manually entering a location (see column 17, lines 34-47 and column 22, lines 4-9).

As to claim 7, Ran teaches wherein selecting a method for specifying a location includes specifying a location using a map feature (see column 17, lines 34-47).

As to claim 8, Ran teaches wherein selecting a method for specifying a location includes specifying a location using an address (see column 17, lines 34-47).

As to claim 9, Ran teaches wherein selecting a method for specifying a location includes specifying a location using a waypoint (see column 17, lines 34-47).

As to claim 10, Ran teaches a method for selecting a track log from a set of track log points (see figure 9), comprising:

selecting a method for specifying a time of at least one track log endpoint from a choice (see figure 9, character 96 where he teach “departure time choice or arrival time choice”) among:

a method for specifying a location and extracting a time from the specified location (see figure 9, characters 91 and 96), and

at least one other method for specifying the time of at least one track log endpoint (see figure 10B, character 104 and figure 11);

specifying desired endpoints for a desired track log using one or more of the selected methods for specifying a time of at least one track log endpoint (see figure 9);

assigning actual endpoints for the track log based on a time for the desired endpoints and a set of track log points (see figure 8, character 814); and

identifying the desired track log using the actual endpoints and at least one track log point from the set of track log points (see figure 8).

As to claim 11, Ran teaches wherein at least one other method for specifying the time of at least one track log endpoint includes selecting a track log endpoint from a list of track log points that are associated with a time (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 12, Ran teaches wherein at least one other method for specifying the time of at least one track log endpoint includes entering a time that is used to identify the at least one track log endpoint (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9).

As to claim 13, Ran teaches The method of claim 10, wherein assigning actual endpoints for the track log based on a time for the desired endpoints and a set of track log points includes (see figure 8, characters 84 and 813; figure 10A, characters 101 and 102; and figure 10B, characters 103 and 104):

searching for a nearest track log point that is located closest to at least one of the desired endpoints (see figure 11, characters 118 and 1114);

identifying a time associated with the nearest track log point (see column 1, lines 52-58); and

finding an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 14, Ran teaches a computer-readable medium having computer-executable instructions (see column 17, lines 17-33) adapted to:

receive desired endpoints for a desired track log (see figure 1);

assign actual endpoints for the track log based on the desired endpoints and a set of track log points (see column 22, lines 33-36); and

identify the desired track log using the actual endpoints and at least one track log point (see column 22, lines 22-36),

wherein at least one of the desired endpoints is capable of being specified by location (see column 17, lines 34-47).

As to claim 15, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified by a time associated with the location (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 16, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a manually-entered location (see column 17, lines 34-47 and column 22, lines 4-9).

As to claim 17, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a map feature (see column 17, lines 34-47).

As to claim 18, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using an address (see column 17, lines 34-47).

As to claim 19, Ran teaches wherein the at least one of the desired endpoints that is capable of being specified by location is capable of being specified using a waypoint (see column 17, lines 34-47).

As to claim 20, Ran teaches wherein the computer-executable instructions are further adapted to validate the desired endpoints (see column 19, lines 15-18).

As to claim 21, Ran teaches wherein the computer-executable instructions adapted to identify the desired track log using the actual endpoints and at least one

track log point include computer-readable instructions adapted to filter track log points for a path extending between the actual first endpoint and the actual second endpoint (see column 1, lines 66-67; column 2, lines 1-10; and column 17, lines 17-33).

As to claim 22, Ran teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see figure 1, characters 1-3 and 5),

wherein the memory includes a set of track log points (see figure 10B),

wherein the device is adapted to select a desired track log based on a first user-specified desired endpoint and a second user-specified desired endpoint (see column 17, lines 17-27), and

wherein at least one of the first and second user-specified endpoints is capable of being selected by a user-specified location (see column 22, lines 22-36).

As to claim 23, Ran teaches wherein the device includes a portable device (see figure 1, character 17).

As to claim 24, Ran teaches wherein the device includes a cellular device (see figure 1, character 14).

As to claim 25, Ran teaches wherein the device includes a Global Positioning System (GPS) receiver device (see column 22, lines 4-6).

As to claim 26, Ran teaches wherein the device includes a Personal Digital Assistant (PDA) (see figure 1, character 16).

As to claim 27, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by manually entering a location (see column 17, lines 17-34 and column 22, lines 4-9).

As to claim 28, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a map feature (see column 17, lines 34-47).

As to claim 29, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using an address (see column 17, lines 34-47).

As to claim 30, Ran teaches wherein at least one of the first and second user-specified endpoints is capable of being selected by using a waypoint (see column 17, lines 34-47).

As to claim 31, Ran teaches a navigational aid device (see figure 1, column 17, lines 17-34), comprising:

a processor (see figure 1, characters 1-3); and

a memory adapted to communicate to the processor (see figure 1, characters 1-3 and 5),

wherein the memory includes a set of track log points (see figure 10B),

wherein the device is adapted to:

determine a user-selected method for specifying a time of at least one track log endpoint from a choice among: a method for specifying a location and extracting a time from the specified location, and at least one other method for specifying the time of at least one track log end point (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9, character 96 where he teach “departure time choice or arrival time choice”);

receive user-specified desired endpoints for a desired track log using one or more of the methods for specifying a time of at least one track log endpoint (see figure 6, characters 67, 610, and 611; figure 7B; and figure 9);

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assign actual endpoints for the track log based on a time for the desired endpoints and a set of track log points (see figure 8, character 814 and column 22, lines 33-36); and

identify the desired track log using the actual endpoints and at least one track log point from the set of track log points (see column 22, lines 22-36).

As to claim 32, Ran teaches wherein the navigational aid device includes a portable navigational aid device (see figure 1, character 17 and column 22, lines 4-6).

As to claim 33, Ran teaches wherein the navigational aid device includes a wireless communication device (see figure 1, character 4).

As to claim 34, Ran teaches wherein the navigational aid device includes a Global Positioning Receiver (GPS) device (see column 22, lines 4-6).

As to claim 35, Ran teaches wherein the navigational aid device includes a Personal Digital Assistant (PDA) (see figure 1, character 16).

As to claim 36, Ran teaches wherein:

the device is further adapted to display a list of track log points that are associated with a time (see figure 9, characters 61 and 96 and column 22, lines 22-65), and

the at least one other method for specifying the time of at least one track log endpoint includes selecting a track log endpoint from the list of track log points (see figure 9, characters 61 and 96 and column 22, lines 22-65).

As to claim 37, Ran teaches wherein:

the device is further adapted to display a data entry screen for entering a time (see figure 9, character 96 and column 22, lines 45-49); and

the at least one other method for specifying the time of at least one track log endpoint includes entering a time that is to be associated with the at least one track log endpoint (see column 22, lines 46-59).

As to claim 38, Ran teaches wherein the device is further adapted to:

search for a nearest track log point that is located closest to at least one of the desired endpoints that is specified by a location (see figure 11, characters 118 and 1114);

identify a time associated with the nearest track log point (see column 1, lines 52-58); and

find an index of the nearest track log point in a time range (see column 21, lines 40-47 and column 22, lines 1-3).

As to claim 39, Ran teaches a system, comprising:

a mass data storage adapted to store navigation data, including at least one set of travel log points (see abstract);

a server adapted to communicate with the mass data storage (see column 17, Lines 7-16); and

a navigational aid device adapted to communicate with the server via a communication channel, such that the navigational aid device is capable of storing information on and retrieving information from the mass data storage (see column 17, Lines 7-24);

wherein the device is adapted to be transported (see figure 1, character 17 and column 17, Lines 27-30),

wherein the system is adapted to:

receive desired endpoints for a desired track log (see figure 9);

assign actual endpoints for the track log based on the desired endpoints and a set of track log points (see figure 8, character 814); and

identify the desired track log using the actual endpoints and at least one track log point (see figure 8),

wherein at least one of the desired endpoints is capable of being specified by location (see figures 9, 10A, and 10B).

As to claim 40, Ran teaches wherein the communication channel includes a wireless channel (see figure 1, character 4).

As to claim 41, Ran teaches wherein the server includes a remote server (see figure 1, character 5).

As to claim 42, Ran teaches wherein the server includes a processor adapted to respond to a request from the navigational aid device by performing calculations on the navigation data and transmitting the results to the navigational aid device (see figure 1, characters 1-5, 7, 14, and 16-18 and column 1, lines 52-58).

As to claim 43, Ran teaches wherein the navigational aid device is adapted to communicate with and retrieve navigation data from the server using streaming data (see figure 1).

As to claim 44, Ran teaches wherein the navigational aid device is adapted to communicate with and retrieve navigation data from the server using cellular

communication technology (see figure 1, character 14 and column 17, Lines 7-16).

As to claim 45, Ran teaches wherein:

the navigational aid device includes a processor in communication with a memory and a display (see figure 1, characters 1-5); and

the processor and the memory of the navigational aid device are adapted to cooperate to display the desired track log on the display (see figure 1, characters 1-5; figure 7B and column 24, Lines 38-56).

Response to Arguments

4. Applicant's arguments filed 19-November-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are not persuasive:

In response to applicants' arguments that "Ran does not teach track log", the arguments have been fully considered but are not deemed persuasive, because "track log" means point that identifies the time and position of the device. Ran, teaches "track log" (see abstract; figures 7A, 7B, 8, character 84 and 814) and "The travel information systems are based on the availability of reliable computer-based maps and the availability of traffic data, available over the

Internet, which are typically supplied by each state's Department of Transportation. Internet provided data includes real-time velocities and the number of vehicles per minute traveling selected roads. Over time such data can also supply historical travel times between selected points. Existing systems display maps which indicate road construction or other incidents and show or predict travel time along particular routes or between selected points”, (see Ran, column 1, lines 31-41).

“In a typical travel information system, a road map is divided into route segments and historical and/or real-time sensor data is used to predict the time it will take a vehicle to travel along a particular route segment. Predictions of trip travel times are then based on linking together route segments to create routes along which it is desirable to calculate a travel time”, (see Ran, column 1, lines 52-58) and (see column 2, lines 1-10).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

bmo

March 29, 2005


SAM RIMELL
PRIMARY EXAMINER